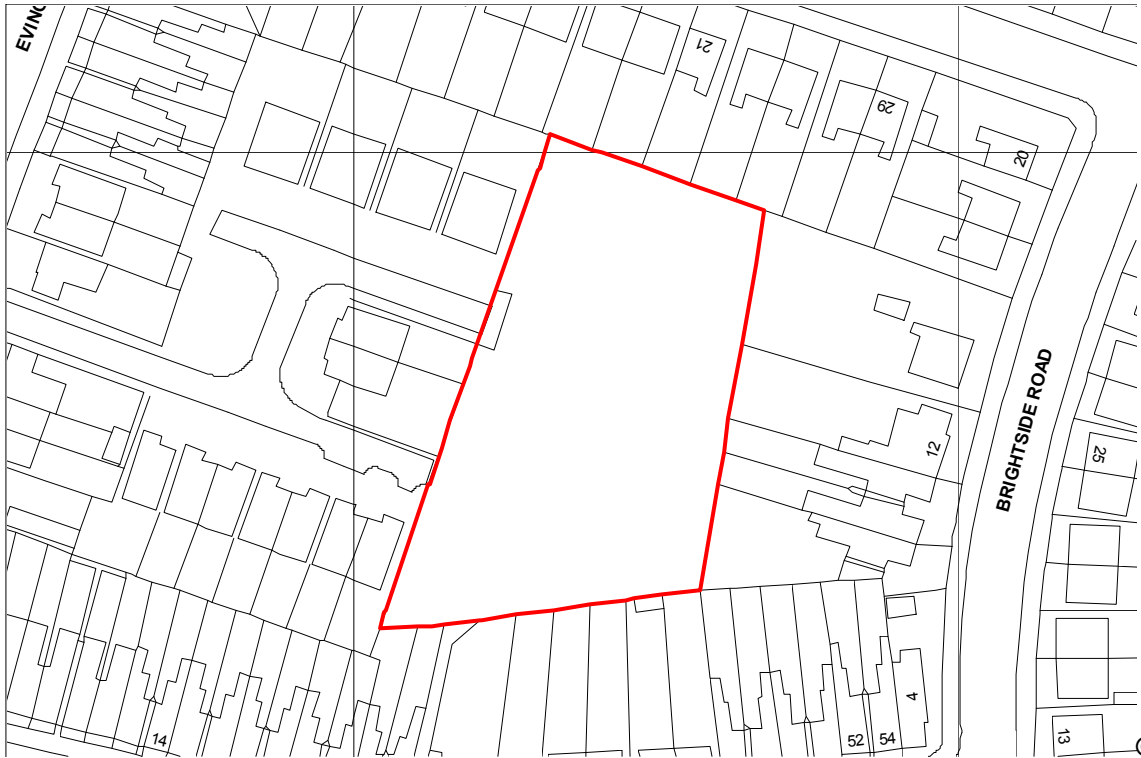


Recommendation: Conditional approval	
20120178	EVINGTON VALLEY GARDENS, LAND REAR OF
Proposal:	ELEVEN HOUSES (11 X 4 BED)
Applicant:	MR JULIAN LEVY
App type:	Operational development - full application
Status:	Smallscale Major Development
Expiry Date:	11 June 2012
DW1	WARD: Stoneygate



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Summary

- The application is for 11 houses and is identical to a scheme approved in 2008 for which permission has now expired.
- A number of objections including 2 petitions from nearby residents have been received.
- Councillor Chaplin shares some of the resident's concerns
- The principle of residential development on the site has been previously accepted with two planning permissions.
- Whilst there have been changes in some planning policies since the previous approval, these are not so significant that the proposed development is unacceptable.
- Approval is recommended

Introduction

The application site is to the east of Evington Valley Gardens which is a relatively recent residential development of 17 houses approved in 2003 (20021915). The site has been cleared but was previously private allotments to the east of a former hosiery works on Evington Valley Road. Access to the former allotments was via a track off Bannerman Road, but this is not included in the application site. The character of the surrounding area is predominantly residential and the north, south and east sides of the site adjoin the rear garden boundaries of houses on Brightside, Bannerman and Ethel Road. The common boundaries are generally enclosed by close board fencing in varying conditions. Outbuildings to the rear of houses are adjacent to the boundary in some instances. The surrounding houses are a mix of ages and styles. The character of Evington Valley Road is more mixed in the vicinity of the site with houses on its east side and a former factory now converted to a foodstore (PAK Foods) on its west side

The existing houses on the north side of Evington Valley Gardens are two storey detached with 2 storey terraces with roof accommodation on the remainder. The flank walls of Nos. 10 and 15 and the garden to the rear of 17 and 19 are adjacent to the west boundary of the site. The access road from Evington Valley Road runs on the north side of Evington Valley Gardens and currently stops just short of the site's west boundary. On the south side it terminates as a private drive providing access to Nos. 11-15. On the west side of Evington Valley Gardens to the rear of 2 and 37 and 39 Evington Valley Road is an open grassed area provided as a pocket park as part of the development.

Background

Planning permission (20021915) for the existing development at Evington Valley Gardens was granted in March 2003.

Planning permission (20041200) for 11 two and three storey properties consisting of a mix of detached and semi-detached houses was granted in December 2004. Access into the site was to be in the form of a shared surface road that would continue into the site from the adjoining development (the now completed part of Evington Valley Gardens) to the west.

Planning permission (20080812) for eleven houses (8 x 4 bed and 3 x 3 bed) was granted in October 2008. The permission expired in October last year. The plans approved by that permission are identical to those submitted with the current application.

The Proposal

The proposal is for 11 houses (8 x 4 bed and 3 x 3 bed) comprising nine detached properties and a pair of semis. All the houses would be two storey and sited to the north and south of a new access which would be an extension to the existing road on the north side of Evington Valley Gardens. All the houses would have two parking spaces. The proposal is identical to that permitted in October 2008 as noted above.

The application is supported by a design and access statement. Since being received it has been supplemented by an energy statement and Lifetime Homes Statement.

Policy Considerations

Development plan policies relevant to this application are listed at the end of this report.

Supplementary Planning Documents/Guidance

Vehicle Parking Standards SPG (2006)

Green Space SPD (2011)

Residential Amenity Guide (2008)

Energy Efficiency and Renewable Energy SPD (2005)

Other Relevant Policy Considerations

National Planning Policy Framework (2012)

The 6C's Highways Design Guide (adopted by the City Council January 2008)

Consultations

Local Highway Authority: Note that Evington Valley Gardens was constructed under a S38 agreement but to date has not been adopted. There are no objections to the additional development proposed provided the developer enters into a S38 agreement with the highway authority prior to the commencement of any works. The road layout is required to be in accordance with the 6Cs Design Guide and detailed design drawings will be required for technical approval. Two parking spaces are provided for each property which is acceptable but the spaces appear to be below standard size.

There are concerns that a full length footway is not included, and over the lack of a turning head at the end of the cul-de-sac. Whilst further detail would be agreed through the S38 process a number of conditions are recommended.

Property Services: advise that this scheme is so that any developer contributions and costs (other than the commitment to renewables) would render it financially unviable.

The Energy Team: are satisfied that the proposals in the energy report will meet the requirements of the policy and should be secured by condition.

Pollution Control (Land): recommend a desk top study to identify any potential soil contamination is secured by condition.

Play & Youth Development: advise that Stoneygate ward has deficiencies in local open space provision. Reference is made to the condition attached to the previous planning permission which required a scheme of enhancement and maintenance of the pocket park provided with the first phase of Evington Valley Gardens to be

carried out before occupation of any of the houses. As this has never occurred, the pocket park (which is currently just an area of grass) does not contribute to the open space needs of either the existing residents or those of the proposed houses.

A similar condition is required to ensure an area of informal green space is provided; However, this alone would not meet all of the open space need arising from the development and the following green space contributions are sought:

Parks & Gardens £6,143

Equipped Children's & Young People's Space £5,888

Outdoor Sports Facilities £10,506

This is a total contribution of £22,357 which would be used to improve existing and help create new open space provision, in accordance with the Green Space SPD.

Leicestershire Constabulary Architectural Liaison Officer: suggests a developer contribution towards the local policing unit.

Education: seek a developer contribution of £73358 towards new school places.

Representations

Two petitions received:

1. From residents of Evington Valley Gardens with 11 signatures objecting as follows
 - Access - The proposed plans show only one road to access the site. There should be two, to allow traffic to flow more freely. If there is an emergency situation, if one access is blocked the other would be available for emergency vehicles. The existing roads in Evington Valley gardens are barely wide enough to allow vehicles to pass. When residents have visitors parked cars make this more difficult. Existing residents are struggling to control unauthorised parking by shoppers using PAK foods nearby.
 - Green space – the absence of a play area for children would put strain on the existing space that is used by children. The future residents might want space near to their properties.
2. From residents of Brightside Road and Ethel Road with 10 signatures objecting as follows:
 - Would affect the privacy of residents of surrounding houses and be a breach of the Human Rights Act.
 - Would obstruct light to these houses.
 - The new houses would not blend with the surrounding houses.
 - Would worsen existing parking problems and increase traffic flows through the area.
 - Would affect the prices of existing houses;
 - The additional houses are unnecessary.

- The site has high voltage cables running under it which could cause health problems for future occupiers of the development.
- The houses on plots 5 and 6 would be too close to the existing boundary fence and would affect privacy.

3 letters received from surrounding residents raising the following objections:

- Proposal is contrary to CS policy 8 which says backland development should be compatible with the locality.
- Would affect properties on Brightside Road – current open view from 8 and 14 would be replaced by a gable wall extending 7.5m above the current fence. The development would create a tunnel effect for 10 and 12 with the previous uninterrupted view limited to a 19m wide strip with each side rising 7.2m above the fence line. Houses on plots 5 and 6 would overlook the gardens of 10, 12 and 14 Brightside Road. The houses are planned directly on or close to the boundary. The side windows of the houses on these plots would overlook the gardens of 10, 12 and 14 and should be obscurely glazed.
- The application form is incorrect saying no trees affected, as a large tree in the garden of 14 Brightside Road overhangs the site.
- One of the parking spaces for the house on plot 6 would be unusable due to lack of turning space.
- The proposal is contrary to CS policy 7 (affordable housing) as the two sites are owned by the same developer and the policy states that the policy should not circumvent the policy by artificially subdividing sites.
- Boundary fence or wall should be high enough to ensure no loss of privacy to houses and gardens surrounding the site.
- The proposed houses would have a noticeably greater roof pitch than any surrounding property which would be incongruous.

Councillor Chaplin: is concerned that as Evington Valley Gardens is a small road, the additional traffic from the proposed houses would cause access problems for residents and potentially for emergency vehicles. There are already issues with overspill parking from the nearby supermarket. She shares residents' concerns about the layout of the extension and similarly considers the access should be looped round to give two points of access. This would also result in fewer houses, meaning fewer cars have to cope with a single access from Evington Valley Road.

Consideration

Principle

The principle of residential development on this site has been accepted for a number of years as evident by the previous planning permissions. The proposed development is identical to that approved most recently in 2008 (20080812). That permission expired in October last year and as such the current application can be considered afresh. Since the previous decision, the Core Strategy has been adopted replacing some of the policies in the Local Plan against which the proposal

was considered, the Green Space SPD has been adopted and the NPPF has replaced the national planning policy guidance that was in force at the time.

In my opinion none of the new policies or guidance has changed in terms of consideration of the layout, the siting of the houses, their design, access arrangements or relationship with surrounding properties, to the extent that the proposed development would now be unacceptable. This is in my opinion is a material consideration of significant weight as the overall scheme, design and layout is largely the same.

Living Conditions

The development complies with the separation distances as set out in appendix G of the Residential Amenity SPD. In all cases there is a distance of more than 21m between the rear elevations of the new houses and those existing in neighbouring streets. I consider that adequate distance (15m) would remain between the end gable walls of the proposed houses closest to those on Brightside Road without significant detriment to amenity. I consider that the development would not result in any significant overlooking or loss of light to neighbouring properties. Although the private amenity space on some would be less than the 100m² required by the SPD, I consider that the shortfall is not significant particularly given the fact that the SPD was in force when the previous application was approved. As with the previous permission, I suggest including a condition removing permitted development rights for extensions as this could result in houses with insufficient rear amenity space. I consider the proposal is acceptable in terms of Core Strategy policies CS3, 6 and 8 and policy PS 10 of the CLLP.

Character and appearance

I consider that the development of two storey houses rather than some three storey houses (as approved in 2004) is acceptable and that it will reduce the scale of the development when viewed from houses on Brightside Road and Bannerman Road.

The proposed houses on the northern side would be two storey and therefore consistent in height with the adjacent houses. They would appear different in form due to the houses being narrower and having straight gables rather than hipped roofs. Whilst this would not provide a consistency in street scene I accept that the site is not visible from Evington Valley Road and any view of the street scene would be very much integral to the site such that there would be no harmful effect on the character and appearance of the area. I consider the proposal is acceptable in terms of policy CS2.

Traffic and parking

I consider that the access arrangements and amount of off street parking is acceptable.

There have been some changes in the planning circumstances of the surrounding area since the previous decision with regard to this issue. The main change has been the granting of planning permission for the change of use of the former factory at 62 Evington Valley Road to retail, which has subsequently been implemented (PAK Foods). This generates on street parking on either side of Evington Valley Road close to the access to Evington Valley Gardens. On the basis of the representations received, PAK Food's customers may also park in Evington Valley Gardens.

The planning permission for 62 Evington Valley Road was granted in 2009 i.e. after the previously approved scheme which as such would have been taken into account. Whilst there may be some overspill parking from PAK Food's customers, there are no objections to the access arrangement from the Highway Authority who also consider the development would not result in significant traffic generation. As Evington Valley Gardens has not yet been adopted by the Highway Authority no parking restrictions could be put in place even if they were considered necessary.

I have considered the representations received suggesting a loop arrangement for the access. This in my opinion is not necessary in terms of road safety or for emergency access. Although the existing access has not yet been adopted, it meets the Highway Authority's standards to be adopted which have not changed since the previous decision. Such an arrangement would reduce the number of houses that could be built and is also likely to encourage more traffic into Evington Valley Gardens as it would be easier to turn.

The proposed development is acceptable in terms of policy AM12 of the Local Plan.

Developer Contributions

There has been a material change in policy since the previous decision in respect of developer contributions towards green space following the adoption of the Green Space SPD. This and CS policy 19 provides the policy basis for securing developer contributions.

The NPPF advises that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

With regard to viability, it also advises that where obligations are being sought local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

No contributions were secured with the previously approved scheme. Property Services have assessed the current viability of the scheme and advise that the amount of profit that would be generated would not be sufficient to support any developer contributions. The requirement to provide sustainable urban drainage and the commitment to renewables has added to the development's cost compared to the previous scheme. On this basis I consider seeking contributions is likely to prevent the delivery of a development that would provide family housing.

With regard to the contribution sought by the Police, the Policing Contributions Policy has not been formally adopted as an approach to calculating developer contributions, and there is no detailed analysis of impact or spending.

Climate Change

Renewable energy generation was not secured previously. An energy statement has been submitted which shows that 16% of the energy demand for the development can be met from renewable sources. This accords with policy BE16. The layout of the development is such that the houses would be orientated north-south and south facing habitable rooms would benefit from passive solar gain in accordance with policy CS02 and the SPD.

Other Matters

The pocket park provided on the original phase of development was not a requirement of the planning permission. I understand its use by older children, particularly for ball sports has caused problems for neighbours previously. As with the previously approved scheme, the applicant is agreeable to making improvements to the pocket park to ensure its suitability for the use by young children.

Policy CS06 includes a requirement that all new housing units are, where feasible designed to 'Lifetime Homes' standards so they are adaptable to changing needs. Information provided by the applicant indicates the scheme would generally comply with these standards.

The possible effect on property values is not a material planning consideration.

There is no evidence to suggest high voltage cables run through the site. Should they subsequently be discovered during the carrying out of the development, it would be the developer's responsibility to have them diverted.

As to the need for the houses, it is generally accepted that there is currently a shortage of housing.

Conclusion

I consider the proposal to be acceptable and recommend APPROVAL subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS
2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. (To ensure that the appearance of the development is satisfactory in accordance with the aims of Core Strategy policy CS02)
3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:
 - i. proposed finished levels or contours;
 - ii. means of enclosure;
 - iii. car parking layouts;
 - iv. other vehicle and pedestrian access and circulation areas;
 - v. hard surfacing materials;
 - vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.
(To ensure the appearance of the development is satisfactory in accordance with the aims of Core Strategy policy CS3 and policy UD06 of the City of Leicester Local Plan)
4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority. (To ensure the appearance of the development is satisfactory in accordance with the aims of Core Strategy policy CS3 and policy UD06 of the City of Leicester Local Plan)
5. No development shall take place until details of drainage works for the disposal of both surface water and foul sewage from the development have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the drainage works for it have been completed in accordance with the approved details. (To ensure that the development is provided with satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution)

in accordance with policy BE20 of the City of Leicester Local Plan and Core Strategy policy CS2)

6. No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime. (To limit surface water run-off by attenuation within the site to reduce overall flood risk, in accordance with Core Strategy policy CS2)
7. All 11 housing units (and their associated parking and approach) shall be designed, constructed and maintained to Lifetime Homes Standards (July 2010 edition) and Lifetime Homes Design Guide (2011), in accordance with the schedule submitted by Ink/Drawn Ltd dated 24 April 2012. (To ensure the houses are adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS6)
8. Individual vehicular accesses shall be provided with 2.0m x 2.0m visibility splays which shall thereafter be maintained with no planting or obstruction within them higher than 0.9m. (to ensure drivers leaving the access have adequate visibility of pedestrians in accordance with the aims of Core Strategy policy CS14)
9. All street works shall be constructed in accordance with the City Council's adopted guidance 'The 6Cs Highway Design Guide'. (To ensure the roads and footways within the development are built and design to a satisfactory standard in the interests of road safety)
10. No dwelling shall be occupied until two car parking spaces as shown on the approved plans, have been provided, surfaced and made available for use. Two parking spaces for each dwelling shall thereafter be retained. (To ensure adequate off-street parking is provided in the interests of road safety and in accordance with policy AM12 of the City of Leicester Local Plan)
11. No dwelling shall be occupied until details of a scheme for the enhancement and maintenance of the pocket park, as provided with the first phase of Evington Valley Gardens (planning permission 20021915), have been submitted to and approved in writing by the local planning authority. The scheme shall include new landscaping and identify a maintenance regime, including reference to security measures. The approved scheme shall be implemented before any of the houses hereby permitted are occupied or in

accordance with a timetable previously agreed in writing with the local planning authority. (In the interests of ensuring that the pocket park is enhanced and maintained to a standard that will be adequate to help meet the green space needs of the existing and future residents of Evington Valley Gardens, and in accordance with Core Strategy policies CS13 and CS19)

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to any dwelling house of types the specified in Part 1, Classes A, B and C of Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (The form of development is such that work of these types may be leave insufficient rear amenity space, be visually unacceptable or lead to an unacceptable loss of amenity to occupiers of neighbouring properties, contrary to the aims of Core Strategy policy CS3 and policy PS10 of the City of Leicester Local Plan)
13. No development shall take place until full design details of the proposed air source heat pumps to be installed in the houses on plot numbers 1,2, 3, and 4 and confirmation that they will meet the local plan target of 16% of renewable energy of the total predicted energy demand for the site, have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until evidence demonstrating satisfactory operation of the approved scheme, including on-site installation, has been submitted to and approved in writing by the local planning authority. (To ensure sustainable energy efficiency in the interests of reducing the effect of the development on climate change in accordance with Policy BE16 of the City of Leicester Local Plan)
14. The development shall be carried out in accordance with the following approved plans: s consent shall relate to the submitted plans 6631/021A, 23A, SK10A, SK11A, SK15A, SK16A, 6631/018A. (For the avoidance of doubt and in the interests of proper planning)

NOTES FOR APPLICANT

1. REASON FOR APPROVAL. In the view of the City Council, the proposal generally complies with the relevant criteria in the City of Leicester Local Plan policies listed in this decision, and there are no material considerations which outweigh these policies. In reaching this decision weight has been attached to the fact that permission has previously been granted (in 2008) for an almost identical scheme. Whilst there have been some changes in policy since then, these are not so significant in respect of matters relating to the proposal, such that permission could now reasonably be refused. The attached conditions will address any potential harm to visual amenity and residential amenity.

2. Condition 13 assumes an estimated total annual operational energy demand of 120,247 kWh/yr. The approved scheme will need to operate to a satisfactory performance in terms of a renewable energy actual percentage of actual.

Policies relating to this recommendation

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|-----------|--|
| 2006_AM01 | Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations. |
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 2006_BE16 | Planning permission will be granted for the development of renewable energy installations where local impacts are not outweighed by wider benefits. Major developments must realise their potential for incorporating renewable energy technologies. |
| 2006_BE20 | Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented. |
| 2006_H03 | Provides guidance on minimum net densities to be sought for residential development sites according to location. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2010_CS01 | The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development. |
| 2010_CS02 | Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City. |
| 2010_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |
| 2010_CS06 | The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents. |
| 2010_CS08 | Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City. |
| 2010_CS13 | The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to |

good quality green space, sport and recreation provision that meets the needs of local people.

2010_CS19

New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.